IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18166 of 1998

WEDNESDAY, THE TWENTY FIFTH DAY OF APRIL TWO THOUSAND AND SEVEN

Between:

M. Anthaiah, S/o. Andhraiah, R/o.6-8,
Aged 50 years, Gandhi Colony, Secunderabad,
And others.

… Petitioners

And

The District Collector, Hyderabad District,
And others.

… Respondents

Order:

This Writ Petition was originally filed by 47 persons, seeking Mandamus to declare the action of the respondents in demolishing their houses situated at Gandhi Colony, Picket, Secunderabad, as arbitrary and illegal, to furnish the list of persons who are entitled for grant of pattas, and also seeking directions to the respondents to allot 60 Sq. yards of land to them.

2. In the affidavit filed in support of the Writ Petition, it is stated that all the petitioners have been residing in the aforesaid colony, which is located in Sy.Nos.486 and 487, by erecting huts, and electricity has also been provided in the entire colony. Their grievance is that though they have been residing in the said place since several years, respondents are taking steps to evict them without issuing any notice.

3. Though initially 47 persons have filed the Writ Petition, however, at different intervals, many of them have withdrawn from the litigation and the same was permitted by this court by order dated 25-09-1998. Presently, only Petitioner Nos.3, 10, 14, 15, 17, 18, 19, 21, 28, 34, 38 and 39 are pursuing the Writ Petition.

4. This court, while admitting the Writ Petition, by order dated 30-06-1998, in WPMP. No.21660 of 1998, directed the respondents not to demolish the houses of petitioners without notice and without following due process of law. Though the Writ Petition is of the year 1998, no counter affidavit has been filed by the respondents and the interim order has been continuing all along.

5. It is not in dispute that the land in question, covered by Sy.Nos.486 and 487, in which petitioners are residing by erecting huts, is a Government land. If petitioners feel that they are eligible for grant of pattas, it is open for them to make applications to the respondents and it is in the domain of the respondents to consider such applications as per their entitlement, as per the Rules in force. However, petitioners cannot seek directions to the respondents either to furnish list of persons eligible for grant of pattas or to allot particular extents of land to them. Hence, petitioners are not entitled to that part of the relief.

6. As much as it is stated that petitioners have been in longstanding possession of the land in question, I dispose of the Writ Petition directing the respondents not to take steps for demolition or eviction, so far as the petitioners referred above are concerned, unless notice is issued and due process of law is followed. No costs.

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JUSTICE R. SUBHASH REDDY.

April 25, 2007
MRR